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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,048	03/27/2007	Mizuya Matsufuji	0666.2980000/TGD/CMR	7282
26111 7590 06/25/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
CHAU, TERRY C				
ART UNIT		PAPER NUMBER		
3655				
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06/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,048

Applicant(s)

MATSUFUJI, MIZUYA

Examiner

TERRY CHAU

Art Unit

3655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 3/30/2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

This is the second office action the merits for application 10/593,048 filed 3/27/2007.

Applicant's amendment to the claims filed 3/30/2010 has been entered. The previous 112 rejections are withdrawn in view of applicant's amendment. Claims 1-3 and 10 are currently pending.

Applicant's amendment to the drawings filed 3/30/2010 has been entered. The previous objection to the drawings is withdrawn in view of applicant's amendment.

Applicant's amendment to the specification filed 3/30/2010 has been entered. The previous objection to the specification is withdrawn in view of applicant's amendment to the specification and the claims.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 10/6/2009, 8/4/2008, and 9/15/2009 have been considered by the examiner.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claim 2 is objected to because of the following informalities:

In line 5, claim 2, "supply" should be --the supply--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the PTO driving mechanism is not drivingly connected to the hydraulic PTO clutch as the PTO driving mechanism has/comprises the hydraulic PTO clutch. See paragraph 0013 of applicant's specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matufuji et al. (US 2003/0075411) in view of Martin (US 1,408,218).

As best understood, Matufuji et al. discloses:

Regarding claim 1:

Hydraulic valve equipment (see figures 4-6) of a working vehicle comprising:

a PTO rear cover (33) supporting a PTO shaft (28) and housing a PTO driving mechanism (the PTO driving mechanism comprises a PTO clutch 27, a PTO brake 59, a valve 92 setting oil pressure and hydraulic oil; see paragraph 0013 and 0014 of applicant's disclosure) for driving the PTO shaft, wherein the PTO rear cover is attached to a rear end of a rear housing (3) of a vehicle body housing a hydraulic PTO clutch (27) so as to drivingly connect the PTO driving mechanism to the hydraulic PTO clutch;

a PTO valve (90) controlling on/off of the PTO clutch provided integrally with the PTO rear cover;

oil passages (94; see paragraph 0039) formed within the PTO rear cover so as to communicate the PTO valve with the PTO clutch for oil supply and discharge of the PTO valve and the PTO clutch.

Regarding claim 1, Matufuji et al. does not disclose an oil inspection window provided in the PTO rear cover at a side of the PTO shaft, wherein the oil inspection window includes upper and lower glasses aligned in a vertical direction, wherein the lower glass is positioned at a height so as to indicate insufficiency of hydraulic oil requiring supply of hydraulic oil when a surface of the hydraulic oil is viewed through the lower glass, and wherein the upper glass is positioned at a height so as to indicate an appropriate amount of hydraulic oil when a surface of the hydraulic oil is viewed through the upper glass.

Martin discloses inspection windows (7, 9) provided on a tank (10) to indicate the level of liquid in the tank. See lines 9-13, page 1. Martin discloses that multiple inspection windows can be mounted in any suitable or preferred manner in the side wall of the tank at which the level of the liquid is to be indicated. See lines 43-47, page 1, and lines 103-109, page 1. Also see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide inspection windows having upper and lower glasses on the PTO rear cover of Matufuji et al., in view of the teachings of Martin that the inspection windows may be used to indicate the level of a liquid in a tank.

Regarding claim 2, the PTO driving mechanism comprises a hydraulic PTO brake (59), so that the PTO valve controls [the] supply of hydraulic oil to the PTO clutch and the PTO brake.

Regarding claims 3 and 10, the PTO valve is arranged in an upper portion of the PTO rear cover above the PTO shaft.

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRY CHAU whose telephone number is (571) 270-5926. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TERRY CHAU/
Examiner, Art Unit 3655

/David D. Le/
Primary Examiner, Art Unit 3655
06/22/2010